

ADJUDICATE CLAIMS OF CERTAIN BANDS OF INDIANS

FEBRUARY 5, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. SPROUL of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 3346]

The Committee on Indian Affairs, to whom was referred the bill (S. 3346) to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the plaintiffs or complainants in suit numbered 33731 in the Court of Claims of the United States be, and they are hereby, granted the regular statutory period of time within which to appeal from any or all orders, judgments, or decrees rendered against them in the trial of said action heretofore had: *Provided*, That the time within which said appeal may be taken shall begin to run with the date of the approval of this act.

Amend the title so as to read:

To grant the right and time for appeal to plaintiffs in suit numbered 33731 in the Court of Claims of the United States.

This legislation is unanimously recommended by your committee. The report of the Department of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1924.

Hon. J. W. HARRELD,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR HARRELD: This will acknowledge the receipt of your letter of May 21, 1924, requesting a report on S. 3346, relative to adjudicating the alleged claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States.

The bill provides for an adjudication of the claims of these Indians against the Government which have not heretofore been adjudicated by the courts, provided suit is filed within five years from the date of the approval of the act.

It is also provided that a certain suit, No. 33731, heretofore filed in the Court of Claims by these Indians against the United States, be considered de novo. This suit was dismissed by a decision of the Court of Claims rendered April 23, 1923.

It appears that the attorneys for the Indians were not informed that the case had been dismissed until October 27, 1923. The statutory period within which an appeal could have been allowed to the Supreme Court of the United States had then expired; consequently, when the application for an appeal was filed in December, 1923, the court could not allow it.

In this connection your attention is called to this department's report to you of April 15, 1924, on Senate Joint Resolution 111, relative to an appeal in the case mentioned. It is felt, however, that it would probably be better to enact a jurisdictional bill, and in view of the broader and more inclusive provisions of S. 3346 as to other claims the Indians may have, it is recommended that it be enacted instead of Senate Joint Resolution 111, with the following amendments:

After the word "Interior," line 5, page 3, omit the period and add the following: "as required by existing law."

After the word "attorneys," line 25, page 3, strike out to the word "for," line 1, page 4, and insert in lieu thereof the following: "employed by the Indians as herein provided."

Strike out the words "or all persons," line 12, page 4, and substitute the words "other tribes or bands of Indians."

Very truly yours,

E. C. FINNEY, *Acting Secretary.*

